

Chairperson Roberts called the regular meeting to order at 6:30 p.m. All seven commissioners were present. James Shoopman, City Planner also attended.

Changes to the Agenda

There were none.

Minutes

Commissioner Raley motioned to approve the minutes from the last Planning Commission Regular Meeting that was held on April 7th, 2008.

Chairperson Roberts mentioned a correction on the last page.

Commissioner Bell seconded the motion including the correction.

All were in favor and the motion carried.

Citizen Comments

There were none.

The Shoppes at Delta Preliminary Plat ~ Lot 1 of the Chazco Minor Subdivision

Chairperson Roberts requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request

The applicant is requesting approval of the Shoppes at Delta PUD Preliminary Plan.

Project Proposal

The Shoppes at Delta PUD Preliminary Plan proposes to subdivide approximately 8 acres into 7 commercial building sites. Each site may contain multiple tenants.

The property's zone district is B-2 which allows a mixture of uses including multi-family housing, offices, and retail stores.

Staff Recommendations

Staff recommends approval of the Shoppes at Delta Preliminary Plat upon the following conditions:

- 1. Drainage improvements shall be acceptable to City Staff before a final plat is recorded.*
- 2. Mylars of the Chazco Minor subdivision, signed and ready to be recorded, are to be submitted to City Staff prior to beginning construction.*
- 3. The traffic study is to be revised and accepted by CDOT and the City Engineer prior to recording a final plat.*

The Shoppes at Delta Preliminary Plat ~ Lot 1 of the Chazco Minor Subdivision continued...***Staff Recommendations continued...***

4. *The developer shall comply with CDOT access permit requirements. Such requirements shall be completed or secured before a final plat is recorded.*
5. *The developer shall comply with Army Corps of Engineers' requirements.*
6. *Three sets of revised and stamped construction drawings are to be submitted to and accepted by City Staff prior to beginning construction.*
7. *Revisions to the plat shall be made as redlined by City Staff.*

There was discussion about the drainage improvements and how adjacent property owners could be affected.

Commissioner Dearmin asked about turning lanes on Stafford and Crawford Avenues.

Mr. Shoopman explained that Jim Hathaway, City Engineer and Director of Public Works was satisfied with the traffic study that the applicant had submitted.

Mr. Shoopman explained that wetland issues would have to be resolved in order for Army Corps of Engineers' approval.

Chairperson Roberts requested the applicant's presentation.

Mr. Atkinson, Jehn engineering, introduced their team who were present to answer questions: Skip Hudson Traffic Consultant, Cary Gunnison, Wetland Consultant, and Susan Hilliard, Attorney. Mr. Atkinson gave his power point presentation on their building schedule and the current tenants that have been identified thus far. He explained how their entrances were designed. He explained some of the inner structures of some of the buildings. He showed which businesses would have drive-thrus.

Commissioner Dearmin asked if there were elevators for the buildings with stairs and where they were located. He also expressed his concern for people in wheel chairs and the distance that they would have to travel to exit in an emergency situation.

Mr. Atkinson responded to this concern by referencing the memo provided by Mr. Dan Reardon, City Building Official; had reviewed the plans and that they had compliance with the building codes.

Accesses and easements were discussed, along with further drainage clarification.

Mr. Atkinson explained in further detail fencing, square footage of the pads, parking in contrast to building proposals, and property management maintenance.

Commissioner Raley requested that the applicant review the signage proposed.

Mr. Atkinson presented a sign package on the Power Point explaining where the signage would be on the buildings and discussed the visibility of street frontage. He also explained some details of the awnings on each building.

Neighboring development centers street and roadside improvements were discussed along with the financing of such.

The Shoppes at Delta Preliminary Plat ~ Lot 1 of the Chazco Minor Subdivision continued...

Skip Hudson, Traffic Study Consultant, reviewed the traffic study and explained that it is a pay-as-you-go system as required by CDOT. Other intersections that would be affected upon later development were discussed. He stated that the first 3 buildings would not affect the intersections. He then mentioned that the full amount of traffic will increase by 21% when the whole PUD is built out and will require a permit from CDOT at that time. He explained that another signal will be required within the next year on highway 92. It had been proposed that it could be located at Crawford, Henry, or Heinz Streets. He explained the challenge of deciding where to locate the signal and deciding who would be responsible for the financing of it.

Developing and Building requirements were discussed along with Certificate of Occupancy issuance.

Commissioner Bell requested a brief overview of the wet land mitigation.

Cary Gunnison, Wetland Consultant, explained where the largest impact was located and where Chazco would create a buffer area with a detailed Power Point presentation. He explained the impact on two acres of excavation and relocation of vegetation in order to support the native wetland. He concluded that the area would be surrounded by fencing to denying the spreading of seeds.

Chairperson Roberts requested public comment.

There was none.

Chairperson Roberts requested commissioner comments.

Commissioner Raley motioned to recommend approval of The Shoppes at Delta Preliminary Plat upon the following conditions:

1. Staff recommendations as outlined in their report.

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

CRHDC Rezone Request ~ located at 1749A/1749B H Road

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting that the zone district of parcel numbers 3455-172-08-001 and 002, as identified with the Delta County Assessor (aka 1749A & 1749B H Rd), be changed from A-1 to B-.

The B-2 zone district "is intended to provide for business oriented toward serving the vehicular customer. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City".

The applicant has submitted a written opinion of how the request meets the zone change criteria of the Municipal Code and complies with the City's Comprehensive plan (see applicant's letter).

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Criteria for Rezoning:

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

- 1. The amendment is not adverse to the public health, safety, and welfare; **and***
- 2. a. The amendment is in substantial conformity with the Master Plan; **or***
*b. The existing zoning is erroneous; **or***
c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

Petitions:

As of April 30th, 2008 (5) petitions with (11) signatures were received against the request. None were received in favor of the request.

Discussion:

The Planning Commission may want to discuss the following:

- 1. What type of use is being considered for the parcels?*
- 2. Are the uses allowed within the B-2 zone district compatible with surrounding properties?*
- 3. Would an alternative zone district, such as OR, R-1A, R-2, or R-3, better harmonize with surrounding properties and still allow the desired use?*
- 4. Is this request in harmony with the comprehensive plan?*
- 5. Does this request meet the rezone criteria of the City Code?*
- 6. Are the utilities available and capable of serving the allowed uses of the B-2 zone district?*
- 7. Does the site have sufficient ingress/egress to serve the allowed uses within the B-2 zone district? (may need dedicated public street constructed to City standards)*
- 8. Demand upon streets and intersections within the area and CDOT improvements that may be required to serve the allowed uses within the B-2 zone district*
- 9. Ditches that may need to be piped upon development*
- 10. Other offsite improvements that may be required upon development*
- 11. Proposed building aesthetics upon development*

Staff Recommendations:

Staff recommends comprehensive consideration of the requested zone change.

Mr. Shoopman explained the current zone district of this parcel (A-1) and its current uses. He then reviewed the proposed zone district of B-2 with its uses. He reminded everyone present that the applicant was applying for a zone change and not approval of a future development. He referenced the zoning criteria from the Municipal Code (17.04.270). He stated that the City has received 5 petitions with 11 signatures; all of which were not in favor of the zone change request prior to April 30th when he had completed the staff report. He stated that since April 30th he had received one other petition not in favor of the zone change request.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Commissioner Raley asked for clarification between the applicant's request of change the zone district to B-2 and, in the applicant's narrative, the applicant is requesting the R-4 zone district.

Mr. Shoopman responded that when the applicant had originally met with staff they had wanted to apply for the zone district of B-4. Staff advised them that since there is no current B-4 zoning in that area their request would be considered spot zoning which is not conforming in the zone change criteria. He concluded that the zone district of B-2 is what the applicant is currently requesting.

Chairperson Roberts referred back to the subject of the R-4 zone district and the B-2 zone district (the conflicting information within the applicant's narrative and the staff report). He asked how the property had been posted prior to the hearing, what the sign had written on it, if it had presented a specific zone and which zone did it present.

Mr. Shoopman responded that he had filled in the information on the sign that was to be posted prior to the public hearing and his routine is to notice it as the applicant is requesting a change in zoning, not usually listing a specific zone district.

Chairperson Roberts requested commissioner questions of staff.

Commissioner Bell asked if the future development would be reviewed by the Planning Commission.

Mr. Shoopman replied that no subdivision was indicated, and that all other requirements to be considered would only be addressed administratively.

Commissioner Dearmin asked where the closest fire hydrant was located to that parcel.

The applicant replied that it was located on 1620 H Road.

Mr. Shoopman responded that he did not know the current distance of the nearest fire hydrant, but that the developer would be required put in fire hydrants if this property was to be developed and depending upon what types buildings were constructed sprinklers may required.

Commissioner Dearmin asked what size the water line is currently serving that parcel on H Road.

Mr. Shoopman stated that he believed that the current waterline maps show a 4 inch waterline on H Road. He stated that if this property was to be developed that the Public Works Department would be reviewing the requirements of utilities which most likely would have upgraded in order to serve the new development.

The locations of ditches within the parcel were discussed and Mr. Shoopman reiterated that all ditches would be required to be piped if the parcel was developed.

Chairperson Roberts requested the applicant's presentation.

Jo Unteed, representing the Colorado Rural Housing Development Corporation located in Westminster, Colorado started her presentation by handing out the CRHDC annual report. She stated that CRHDC is a non-profit organization that has been in existence for over 25 years. She stated various locations where CRHDC has offices.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Jo stated that they were proposing 40-50 units and a community center. She stated that the units would have 3-4 bedrooms. The housing is intended for people working in the agricultural industry. She stated that residents would have to work to live there and that 1/3 of their income must come from the agricultural industry. She stated the U.S. Department of Agriculture provided a 3 million dollar loan/grant to build this facility. She stated that originally they had a site located near the high school on F Road. After having met with the City and various people in that area, they became discouraged and chose not to proceed any further with that site due to the proximity of the school and limited access to the highway. She stated that they had been working for three months trying to locate appropriate land where the development would integrate within the community. She stated that their architect was there to present some of his previous developments. She stated that they pride themselves on developing property that is aesthetically pleasing, well managed and blends in well with the community. She stated that there will be 24-hour on site property management staff and that there will be a community center that can be used by the community. She stated that they first like to figure out what the needs in the community are and provide a facility to fit those needs. She referenced that in Center, Colorado they were in need of a migrant head-start school so their architect designed a migrant head-start school within their housing development. She gave further examples for community centers used, such as a public restaurant and a senior center. She further cleared up the confusion of zone districts proposed. She commented that they had gone through the Comprehensive Plan and picked goals from it that they could address. She referenced that the Comprehensive Plan and pointed out that the need for farm worker housing could be met by their proposed development.

Chairperson Roberts asked where the people would work that would be residing in this new development.

Jo Unteed replied that local growers would be coming up to talk more about that.

Ron Felihee, Felihee Architects, 1701 Windkoo Street, Denver stated that his firm had been working with CRHDC for a number of years on various projects. He stated that CDRHC has challenged them because of their high standards for the design of their projects; which includes the site design and aesthetics. He stated that what they are proposing on the site would be a combination of cottages and townhomes along the western side, a greenside or backyard, and then cottages to back up the single family dwellings, and the remainder would be cottages and more townhomes. He felt that the best way to explain CRHDC's standards for designs would be to review some of their previous projects. He referenced a similar project in Center, Colorado which was recognized by the National Building Museum approximately 4-5 years ago as one of the top 18 projects built through out the United States. He referred that another project they had designed in Alamosa, Colorado that had been selected as 1 of 3 projects in the U.S. to represent 15 of the best projects built through out the world in an exhibit coming up this fall in Theana, Austria. He then referred to another project done in Del Norte, Colorado that was for senior housing had been selected for the second highest award in AIA Design Award in the State of Colorado two years ago. He concluded his reasoning for referencing all these past projects is that they are a result of CRHDC's commitment to excellence in design in all of their projects that they have designed.

Commissioner Raley stated that the designs looked great but that he was concerned about how it will look 5 years from now. He asked what type of plan would they have to keep this development looking like it was just built.

Jo Unteed replied that this project would be primarily funded by the U.S. Department of Agriculture; who will put a 33 year loan on the property that is paid off with monthly debt service. She stated that they monitor the property on an annual basis.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Jo stated that because this would be approximately a six million dollar project the three million dollars from the U.S. Department of Agriculture would not be enough to fund the entire project so there will be other funding sources along with some form of federal tax credit in order to gain some of their gap financing. She stated that gap financing would be a group of private investors who would be very interested in maintaining the livability and the tenability because if it were to go down hill they would not be receiving their tax credit. She concluded that many people would be at the table monitoring their investment; in addition, CRHDC always self-manages their properties with onsite property management to maintain their high design standards.

Commissioner Raley reaffirmed that maintenance would be a major item of concern and emphasized the importance of planning ahead for physical management and property maintenance. She stated in this particular project that they had budgeted in a part-time maintenance person to make sure that the lawn is kept mowed and the trash is picked up.

Commissioner Bell asked what the maximum population could be that would reside there.

Jo Unteed explained that there would be a combination of three and four bedroom units and the reason for this is because sometimes people that travel or work together but they might not all be a family. She continued that there are occupancy standards regulating the number of people living within a facility. She guessed that 5-6 people could live in a four bedroom and four to five people in a three bedroom.

Commissioner Bell asked what the total number of people possible was using this equation.

Jo Unteed stated that she would work out the figures and get the answer to the commission. She stated this project is considered mid-size because their opinion was that the Comprehensive Plan stated the need for multi-family housing that was not too large. She stated that their 40 unit development was a break-even point for multi-family housing on a management level. She continued with that, if there were less units built, employing onsite managers and maintenance personnel would not be affirmed financially.

Commissioner Raley asked if they anticipated people living in there year-round.

Jo replied that yes, their experience is that in the first years tend to be more migratory, but typically people like the housing and the community so they end up living there year-round and getting jobs in the off season. She reminded that they would still have to get a third of their income from agricultural work and that John Herald would be speaking more on this topic. She explained that they have been seeing changes in the migrant population. She stated that some of the migrant workers might be here on resettlement visas, if their countries were in a civil war, some migrants on the eastern slope are from Asia or Myanmar.

John Herald, Olathe Colorado, stated that the reason he had participated in this process, is because of his interest in agricultural labor. He commented that the need for agricultural labor extends further than Olathe, Delta, and Montrose; also to the North Fork. He stated that it was common knowledge that they were having problems with the dormitory in Olathe due to a 1949 regulation which they have not yet been able to overcome. He went on to say that there is a tremendous need for agricultural labor in the North Fork as well as into the south of Montrose and therefore they decided the best place for this development was East Delta in order to facilitate the fruit growing regions as well as the vegetable growing regions. He stated that the corn growers (including him) had contributed to the development of the marketing study of this project on the basis that it would provide housing for agricultural workers. He mentioned that one of the problems they are having is that the dormitory was built 1993 and at that time the migrant workers would follow the harvest year-round which are hard to find.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

John Herald stated that they are now finding mostly families as migrant workers. He explained that one problem he sees with the project is that they have a difficult time after December/January having any agricultural work to be done until their July harvest. He stated that he did know that Del Mesa Farms and others are also struggling for agricultural labor. He stated that his contention is that this would be the best fit for the chicken, fly, and partially for fruit workers. He stated his concern that there would still be a time that agriculture will not need labor due to the weather, during this time he asked what would these workers do. He explained further that in Center, CO that they sort potatoes until April/May, then they go into the field and harvest potatoes until approximately October/November, making it more of a year-round job than what is available here. He mentioned another concern that if the 1949 law is not changed that precludes legally admitted aliens to do agricultural work on a temporary basis; then they will not qualify to utilize this facility. He stated that after the election there may be good chance that there may be comprehensive, immigration reform. He clarified that he was not referring to illegal immigrants, but immigrants that are legally admitted with background checks who come to work in this country to do jobs that they can't find people to do. He stated that they have extensively advertised their base minimum wage. The pay starts at \$9.42 hourly, and that they pay their transportation costs, housing costs, and transportation costs to and from work. He reminded the Commission that the minimum wage is \$7.05 hourly. He rephrased that if you were an American you would get \$7.05 hourly; if you are a migrant coming in you would get \$9.42 hourly. He reiterated that they have an industry in this valley that depends on hand labor because they do not have machines to: pick corn, pick their fruit, weed onions, or to de-tassel corn and therefore they need labor. He stated that there would be other nationalities besides Mexicans who also would be able to utilize the dormitories. He discussed further that they would be bringing a different culture that might make some people uneasy and would be doing things differently than us, but he has seen these projects work and the economic benefits from these projects. He stated that as communities come together he has seen those people integrate into the community and become solid citizens. He explained further that it depends on the community and that last summer they had put together a program called One Community which addresses the issues with the grant from the Colorado Trust. He reiterated that they are concerned about being able to harvest the sweet corn that they have planted this year. He concluded that agricultural workers are needed that they are having problems that he believes that they can work through. In his closing he thanked the Commission for their time.

Chairperson Roberts asked how many workers Mr. Herald needs for his sweet corn industry.

Mr. Herald replied that there are three companies located in between Olathe and Delta and, between them, they use between 300 and 350 people during a 7-8 week harvest period. He stated that most of them come from Mexico, they have a 97% return rate, and that some of them have been coming here for 20 years. He explained that they understand our system: come legally, they are entitled to a driver's license and social security numbers and they go through a program called Rights and Responsibilities. He stated that they put forth an honest effort to try and make them be part of the community and obey our laws.

Chairperson Roberts clarified that Mr. Herald mentioned 300-350 people would be employed by the corn industry. He asked Mr. Herald how many workers would be employed by the fruit industry.

Mr. Herald explained the competition amongst the vegetable and fruit companies for labor. He stated that between here and Palisade the fruit growers could use all the labor brought by the corn growers but it would take careful consideration to balance the time of when it's needed. He further explained the various tasks that could be accomplished from season to season for the both the corn and fruit growers if they were to share some labor. He mentioned that if there were enough legal migrant workers that not everyone would use them because there are a lot of people in the agricultural industry that resist paying \$9.42 an hour. He concluded that if there is not enforcement of our laws than a visa program makes it more difficult because workers without visas will work for less money.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Chairperson Roberts stated that the fruit growers have a lot of housing on their own ranches. He asked if those housing units were going to close and if the people from them would be forced to live here.

Mr. Herald replied that the dilemma they face is if workers come on a visa they are guaranteed a wage, transportation, and housing that meets certain standards. He stated that some housing will be closed because it doesn't meet the standards that this development will. He further explained the visa process.

Commissioner Bell asked what the people do for the rest of the year that are employed by Mr. Herald for 7-8 weeks.

Mr. Herald stated that some are here now and that they are: weeding, picking rocks, weeding onions, de-tasseling of sweet corn seed, corn harvest, onion harvest, onion sorting (limited number), and others into the fruit industry. He concluded that they do all sorts of work, not just corn harvest.

There was further discussion about visas and the various amounts of time they could be issued for.

Commission Dearmin asked how many people were the chicken farms going to use.

Mr. Herald responded that Del Mesa Farms would have to answer this question. He stated that Del Mesa Farms has housing for their managers and that they have been constant in their asking if he had any extra labor.

Commissioner Bell asked if housing was the key item for getting enough labor.

Mr. Herald replied that the housing meeting the federal standards is the key factor involved. He stated that he is currently considering signing a contract to build a 32 unit dormitory on his facility in Olathe.

Chairperson Roberts asked if there were any more questions of the applicant.

Commissioner Dearmin asked if they had expectations for expansion if this development works here.

Jo Unteed explained how many different projects are at various phases of development and that limited federal funds is a problem. She stated that it is a national competition of approximately 19 million dollars to get 3 million dollars to Colorado. She reiterated that it is a huge effort to get the funding here and farmers like John Herald who had participated in the market study is what helped this project funded.

Commissioner Bell requested further discussion upon details of their market studies.

Jo Unteed stated the last market study that they had done was almost 2 years old. She would gladly email to anyone who is interested. She stated that once they begin applying for other funding; the tax credit portion they would have to get an updated market study. She continued that approximately every 6 months their market study must be updated in order to apply for funding.

Chairperson Roberts addressed a previous question asked by Commissioner Bell and asked if she had figured out a maximum number of occupants for their proposed development.

Jo Unteed replied that she had not yet figured the number but that she would do it.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Commissioner Bell asked what other locations have been considered besides on F Road by the high school.

Jo Unteed stated that the parcel that The Shoppes is now developing on was the original site they were looking at, another site considered was on North Highway 50. She reviewed some of the strict site requirements of U.S. Department of Agriculture.

Commissioner Bell asked if there were any requirements of sewer and water imposed within the strict site requirements.

Jo replied that they are very used to having to upgrade water and sewer within a reasonable amount.

Commissioner Bell asked if they had done any wells.

Jo replied that they had not because they had to use public utilities.

John Herald mentioned that the federal guidelines require 50 square feet of sleeping space per occupant and by looking at the floor plans of the unit by this measure it should be easy to deduct how many people each unit could hold.

Jo Unteed stated that she thought that 250 occupants total including children would be allowed for the entire development.

Chairperson Roberts requested public comment.

Dewey Tanner, 650 1725 Road, stated that this development is proposed to be right in his backyard and that he would not be opposed to a development that would be similar to his; a single family dwelling on a half acre. He stated that 250 people in his backyard would certainly qualify as high density that he is not in favor of. He stated his concern that low income, subsidized housing would not be beneficial for the value of his property. He questioned that of 250 people if 100 were to go to school how high schools and other community services in place be impacted. He expressed further concern of people only working 3-5 months who need something to do for a couple months how that could affect younger people in the town as far as what they can do as far as jobs and part-time jobs that they may be competing for. He stated that approximately 9 cars are parked on 1725 Road now and with the proposed development in his back yard there could be 40 cars; generally H Road is a slow road because it is narrow, has ditches on both sides which is why he would not be looking forward to another 40 cars on H Road or 1725 Road. He addressed that the current zoning of A-1 is concurrent with adjacent properties and it fits along with what is currently going on in that area. He does not believe that they need high density housing or any other kind of business and ultimately he does not see the need to change the zoning.

Jeremy Geddes, 640 1725 Road, feels that the request is not conducive to the area. He gave his Power Point presentation with some recent pictures that he had taken of the area. He started from the highway and continued all the way up to 1725 Road. He shared that at times he will not let his 5-year-old girl or 10-year-old boy cross the road to their mailbox without him standing on the side of the road because it is the I-25 cut to East Garnet Mesa. He stated two years prior he had asked Steve Glammeyer to put their speed limit sign back up, the speed limit there is 30 mph. He mentioned that a neighbor had lost two dogs that may have been hit in excess to 60 mph. passing Dewey's mailbox which is right by the Bona Fide Ditch.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Mr. Geddes stated that people will slam on their brakes and brake all the way to the stop sign. At this particular slide in his presentation there were actually well pronounced skid marks that displayed a validating visual. He pointed out the location of Community Options, which is a facility that houses mentally and physically handicapped people that require 24 hour care. He stated that they walk up and down that road for exercise. He emphasized his concern for the safety of his children, the neighbor's children, and for the people residing in the community house. He stated that being a land surveyor for 10 years he did not foresee that road being improved for 6 houses leading up to the development. He stated that he was in favor of single family homes on ½ acre. He mentioned that the density proposed on the 4 acre parcel would not look as good as it was presented. He pointed out on H Road where it is one lane going around a corner that has 24-hour shade on it during the winter due to a large hill directly South of it. He went on through his presentation showing a picture on 1725 Road to give the Commission an idea of the types of residences currently in the area. The next picture he took showed the Bona Fide Ditch in relation to the road. He pointed out that it has no rails on it and already poses a safety issue for any pedestrian. He reviewed the area surrounding the parcel and summarized that the A-1 district is prominent and has not changed for the 10 years since he first moved there. He gave several examples of how adjacent property owners would suffer negative impacts by the proposed development. He showed the access to the parcel having a blind corner. He mentioned again the need for sidewalks from Wal-Mart to the development. He touched on drainage issues. He stated that to approve this rezone would be erroneous and that he had presented in detail. He concluded that it is ironic that his taxes would be used toward a grant that would cause depreciation of his property.

Dennis Erhart, 620 1725 Road, stated his concern for pedestrian safety. He is not favor of high density housing adjacent to him. He emphasized that the City of Delta should be concerned about their current residents and not assisting to provide labor for other communities.

Peter Miles, 1749 H Road, stated that he had no intention of speaking. He distinguished that he was not in any way connected with the applicant and that he had listed his property with Remax. He clarified that he would not be speaking upon the applicant's behalf. He addressed a question asked prior by the commission about the nearest fire hydrant location. He indicated that the main water line is a 6 inch water line which he was required to install in order to support future development. He reviewed the location of the 2 ditches on the parcel and clarified what the ditches are used for.

Jim Renfrow, 2400 Lane, Montrose, questioned the zone district proposed and recommended the R-4 zone district as a harmonious alternative.

Chairperson Roberts requested any remaining questions from the Commission of the applicant.

Commissioner Bell asked if any financing entities have a siting matrix (checklist) that requires a plan to resolve any and all pending characteristic issues of concern in correlation to max population of a site. If so, he asked if they had addressed the items of concern.

Mr. Felihee replied that there are multiple sources of financing all of which have their own criteria that the site selection must satisfy either when secured or built out. He reiterated that there was no single matrix because of the numerous sources of funding. He stated that they reasoned they could accommodate the requirements of all the funding institutions during the review of this site.

Commissioner Bell asked if open ditches would be an issue with the amount of children estimated to be within the development.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Jo replied that the U.S. Department of Agriculture will require them to put a barrier between the canal and the property. She explained that they would also require them to ease into the multi-family from the residential.

Commissioner Bell asked if there is any offsite criteria that they are required to consider during the site selection process such as road access and sidewalk extending.

Mr. Felihee replied that yes, they have to satisfy the requirements of the planning and zoning staff.

Jo reassured that they did not plan to have any businesses within this development and that they are within the R-3 setback and density requirements. She stated that they could easily accept going to the R-3 zone district.

Dennis Erhart stated that earlier they had mentioned a community center within the development which the residents could choose a restaurant. In regards to her reassurance that they had no plans of a business he asked how a public restaurant not be considered a business.

Jo responded that it could be a possibility, but that was not in the plan for this particular project.

Mr. Erhart argued that if it is up to the residents to choose that it could not be predetermined for certain.

Chairperson Roberts reminded Mr. Erhart to address the Commission when speaking.

Mr. Erhart clarified to the Commission that in Jo's opening presentation she had stated that there would be a community center for the residences to do with as they chose; she gave examples which included: a club house, head start school, and a public restaurant which would be a business.

Commissioner Dearmin stated that he recalled her statement to be the use of the community center would be determined according to the desire of the community not just the people within the development.

Mr. Geddes asked who decides, who gets to choose the use of the community center the City or the developer.

Chairperson Roberts stated that there has been a thorough discussion of the use of the property which was not the topic under consideration at this time. He reminded everyone present that the topic under consideration is the rezone of property. He stated that it was admirable of the applicant to disclose their use at this time.

Chairperson Roberts closed the public hearing. He informed the Commission that the property had been initially zoned during its annexation to conform to adjacent properties and has not changed since that time. He reviewed items for discussion and requested commissioner comments and advised that the future results from this rezone need to be considered.

Commissioner Jahn asked what the use of the property to North.

The Commission replied that the property to the north is a mortuary/cemetery with a private home on the corner of the parcel.

CRHDC Rezone Request ~ located at 1749A/1749B H Road continued...

Commissioner Raley commented that the project sounds good but not where it is proposed. He stated that the B-2 zone district fits in with the area.

Commissioner Oelke stated that consideration is needed for predetermining where the business district should end and the residential to begin for that area. She commented that B-2 may not be the best zone district for the projects proposed use.

Commissioner Dearmin stated that he agreed with people who had expressed their current concerns for safety of pedestrians, children, and animals due to needed offsite improvements having walked that road himself. He stated that he did not feel that the B-2 zone district fits in and that its current rural/resident zone would be better as opposed to change.

Commissioner Burnett expressed that he did not believe that safety would be satisfied in the above mentioned criteria.

Chairperson Roberts stated that Crawford/H Road transition section of the road does not support business and he does not believe that it could be adequately improved to support business. He concluded that he does not support the change of zoning.

Commissioner Oelke commented that she agreed that business did not fit in because the appearance of the landscape and is directed towards rural.

Commissioner Dearmin asked if the R-3 zone district could support their proposed project.

Commissioner Raley stated the problem with the R-3 zone district could appear to be spot zoning considering there is no other R-3 in the area.

Commissioner Bell stated his concerns for safety, considering the existing roads with increased foot traffic, and impacts from the population that would be imposed. He concluded that he was not in favor of the B-2 zone district.

Commissioner Bell motioned that request of the B-2 zone district be denied for this parcel.

Commissioner Jahn seconded the motion.

Chairperson Roberts reminded the Commission that the motion would be a recommendation to City Council. He affirmed that the motion is that Planning Commission recommends denial to City Council of the request to change the zone district to B-2.

All were in favor with the exception of Commissioner Raley who voted nay and the motion carried.

Chairperson Roberts announced that there would be a 5-7 minute recess at 9:16 p.m.

Chairperson Roberts announced the recommencement of the meeting at 9:23 p.m.

Irwen Rezone Request ~ located at 1687/1695 Crawford Avenue

Chairperson Roberts opened the public hearing and requested staff's report and recommendations.

Irwen Rezone Request ~ located at 1687/1695 Crawford Avenue continued...

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting that the zone district of parcel numbers 3455-181-00-015, 030, and 031, as identified with the Delta County Assessor (aka 1687 & 1695 Crawford Ave & 1 unaddressed parcel), be changed from A-1 to B-2.

The B-2 zone district "is intended to provide for business oriented toward serving the vehicular customer. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City".

The applicant has submitted a written opinion of how the request meets the zone change criteria of the Municipal Code and complies with the City's Comprehensive plan (see applicant's letter).

Criteria for Rezoning:

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

- 1. The amendment is not adverse to the public health, safety, and welfare; **and***
- 2. a. The amendment is in substantial conformity with the Master Plan; **or***
 - b. The existing zoning is erroneous; **or***
 - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*

Petitions:

As of April 30th, 2008 (4) petitions were received with (4) signatures in favor of the request (1) signature neutral to the request and (1) signature against the request .

Discussion:

The Planning Commission may want to discuss the following:

- 1. What type of use is being considered for the parcels?*
- 2. Are the uses allowed within the B-2 zone district compatible with surrounding properties?*
- 3. Would an alternative zone district, such as OR, R-1A, R-2, or R-3, better harmonize with surrounding properties and still allow the desired use?*
- 4. Is this request in harmony with the comprehensive plan?*
- 5. Does this request meet the rezone criteria of the City Code?*
- 6. Are the utilities available and capable of serving the allowed uses of the B-2 zone district?*
- 7. Does the site have sufficient ingress/egress to serve the allowed uses within the B-2 zone district? (may need dedicated public street constructed to City standards)*
- 8. Demand upon streets and intersections within the area and CDOT improvements that may be required to serve the allowed uses within the B-2 zone district*
- 9. Ditches that may need to be piped upon development*
- 10. Other offsite improvements that may be required upon development*
- 11. Proposed building aesthetics upon development*

Irwen Rezone Request ~ located at 1687/1695 Crawford Avenue continued...***Staff Recommendations:***

Staff recommends comprehensive consideration of the requested zone change.

Chairperson Roberts asked if the Commission had any questions of staff.

Commissioner Bell asked: what the property with no address is zoned, if fronted on Crawford Avenue, and if the zone district had changed since the initial zoning during the time of annexation.

Mr. Shoopman replied that he did not know the history of that parcel.

Commission Jahn asked if one ingress and egress could be sufficient for this size of development.

Mr. Shoopman replied that it would depend on how many units and what type of development.

Commissioner Bell requested clarification of which parcels are being proposed for the rezone.

Mr. Shoopman listed which parcels were being proposed.

There was discussion about the Major Street Plan and of the streets that would be affected by this rezone request, and all the details to be considered.

Commissioner Bell asked if parcel 031 fronted on H Road.

Mr. Shoopman stated that at the time of development it would be up to the applicant to determine where the front access would be located.

Commissioner Bell asked if parcel 701 was included in the request proposal.

Mr. Shoopman replied that it was not part of the request.

Chairperson Roberts requested the applicant's presentation.

Jim Atkinson, Jehn Engineering, stated the reasoning why they have requested the rezone. He initially mentioned that there is currently B-2 zoning within the area. He stated that they anticipate having the access off of Crawford figured out and a secondary access across the Shoppes Minor on to Stafford Lane which would give it connection to the major streets. He stated that they just had a survey completed because of a substantial amount of inquiries about ownership and an access into H Road. He showed on the map a 15 foot, wide parcel that goes along with a gravel roadway. Then he showed on the map where a 30 foot dedication was made by the Chazco Minor Plat. He added that totaling the two thus far equates to 45 feet. He stated the same survey shows a 60 foot frontage off of H Road on this parcel which with the previously mentioned access would satisfy 2 accesses. He stated that with the plat that was done with the Chazco Minor; there was a 60 foot access easement given that is located along the property line separating lots 2 and 3 going out Stafford Lane. He stated that presently the applicant does not have a future land use in mind.

Commissioner Bell asked if all the proposed parcels were for sale.

Mr. Atkinson replied that he was not sure how many of the properties or neighboring properties were currently for sale.

Irwen Rezone Request ~ located at 1687/1695 Crawford Avenue continued...

There was discussion about open ditches.

Mr. Atkinson assured that no ditches would need to be piped.

Commissioner Bell asked how the timing was for the request, in regards to the sale of the property.

Travis Watford, 59645 Spring Creek Drive, Montrose, stated that at this time of his application, he does not have a definite plan other than receiving a zone district in order to establish a plan.

Chairperson Roberts asked Mr. Watford how he was connected to the property, not having seen his name listed.

Mr. Watford responded that he has the property under contract to purchase and that the current owners are present.

Chairperson Roberts requested public comment.

Jim Renfrow, 2400 Columbine Lane, Montrose wanted to review the intent of the B-2 zone district. He recommended the O-R zone district as an alternative. He expressed the need for a subtle transition from business to residential designations. He also requested clarification about the accesses that had been mentioned.

Mr. Shoopman clarified that the access dedicated by the Chazco Minor is actually an access easement required by the City and is not a dedicated street.

Jim Renfrow commented further about the R-1A zone district.

Mr. Watford commented on street frontage and waterline concerns

Commissioner Bell asked if any other zone ideas had been explored.

Mr. Watford replied that he had not explored any other zone ideas.

Jim Renfrow commented on his big box parcel that he intends as residential.

Tom Chaney, 2500 Columbine Lane, Montrose, stated that he is co-owner with Jim on the 23 acre parcel previously mentioned to be intended for residential. He reflected on improvements that they had brought up to the intersection of 1725 and H Road. He stated that their intentions for the area have always been residential. He stated his concern for the access of a parcel with a zone district intended for the vehicular customer. He stated that he feels the O-R zone district would be a better alternate zone.

Ed Watford, 15542 6000 Road, Montrose, stated they have established that there are 3 accesses on this property, and none of them are easements. He pointed out that on the East and West sides of their property it is zoned for business. He summarized in his opinion that this request meets the City of Delta's criteria for a rezone.

Chairperson Roberts asked if the public had any new public comments.

There were none.

Irwen Rezone Request ~ located at 1687/1695 Crawford Avenue continued...

Mr. Shoopman wanted to clarify that the access proposed from the Chazco Minor is not a dedicated street, but is a 60 foot easement intended to only serve the 2 properties. He stated that he was not familiar with 3 accesses and the easement is not considered a dedicated street.

Major thorough-fare was discussed while referencing the Master Street Plan..

Mr. Shoopman clarified that the easement in the Chazco development mentioned earlier is not considered an access and that there are 2 accesses off of Crawford Avenue.

Chairperson Roberts closed the public hearing and requested commissioner comments.

Commissioner Dearmin stated that his uncertainty of B-2 zone district; due to access concerns and increase of traffic potential.

Commissioner Oelke stated that she was not in favor of the B-2 zone district for this property, and alternative would be more desirable.

Commissioner Raley touched on the traffic issue and confirmed that he still favors the B-2 zone district because it fits in with what is already there.

Commissioner Bell stated that there are still issues between zones.

Commissioner Jahn stated that he agreed that there should be a buffer zone for a transition. He does not favor the B-2 zone district for this parcel.

Chairperson Roberts reviewed the request and stated he would prefer a softer transition between the B-2, residential and the agriculture districts.

Commissioner Bell motioned that Planning Commission recommend denial to City Council of the request to change the zone district to B-2.

Commissioner Jahn seconded the motion.

All in were in favor with the exception of Commissioner Raley who voted nay and the motion carried.

Comprehensive Plan Update

The City of Delta will host a public workshop to review a draft of the 2008 Comprehensive Plan. Thursday, May 22nd, 2008 7:00 p.m. at the Westminster Hall of Delta Presbyterian Church ~ Located at 135 East 4th Street (Just East of City). Everyone is encouraged to attend.

Commissioner Comments

Commissioner Jahn asked what the dimension of a block is.

After some discussion, Mr. Shoopman stated that staff will look into it.

Commissioner Comments continued...

Comprehensive Plan comments were discussed.

Commissioner Roberts stated the reasoning of his comments.

Commissioner Bell asked if the minutes could be moved to end of the agenda.

Staff replied that the order of the agenda is conformed to City Council should be uniform through out the City.

Commissioner Bell asked why there was an appeal to their decision on the Mason Variance.

The Commission discussed their views and concerns of the Mason Variance.

Chairperson Roberts asked for a list of terms with the new commissioners.

Staff Comments

There was discussion about an increase of agenda items.

Chairperson Roberts announced his absence for the Thursday night meeting.

Meeting Adjourned at 10:23 p.m.

Lee A. Barber, Executive Secretary